SECRETARIAL REVIEW

ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/ INITIAL REGULATORY FLEXIBILITY ANALYSIS (EA/RIR/IRFA)

AMERICAN FISHERIES ACT (AFA) SIDEBOARD MEASURES

for
FISHERY MANAGEMENT PLANS

Amendment 61
BERING SEA ALEUTIAN ISLANDS (BSAI):

Amendment 61
AND THE GULF OF ALASKA (GOA):

Amendment 13 to the
BERING SEA ALEUTIAN ISLANDS CRAB:

Amendment 8 to the
SCALLOP FISHERIES OFF ALASKA

JANUARY 7, 2000

Table of Contents

List of Tables

List of Figures

APPENDICES

EXECUTIVE SUMMARY

Chapters 1, 2, and 3 of this document contain background information on the American Fisheries Act, the Council's list of alternatives for sideboard provisions (including the PREFERRED ALTERNATIVES), a summary of the status of stocks for all species, and a discussion of potential environmental impacts of the alternatives. None of the alternatives under consideration is expected to result in significant impacts relative to NEPA considerations.

Chapter 4

This chapter addresses the inconsistencies in definitions between existing regulations and terms used in the AFA. The Council is recommending that consistency be achieved by (1) having the same definitions of inshore and offshore in the BSAI and the GOA; (2) use of the term groundfish (instead of fish) throughout the implementing regulations; (3) use of the terms inshore and offshore would apply only to directed fishing for I/O species (BSAI pollock and GOA Pollock and Pacific cod); and, (4) the duration of the I/O regulations should be the same for the BSAI and the GOA.

Additionally this chapter addresses an alternative related to processor sideboards which was raised by the Council in February - the proposed option that floating processors be limited to a single geographic location for purposes of processing I/O species. Provisions of the AFA may negate the need for such a requirement due to explicit BSAI pollock allocation in the AFA, though non-AFA processors propose that such a restriction be in place. The Council did take action to restrict floating processors to a single geographic location (for a given fishing year - i.e, can change locations from year to year), and took action to achieve consistency among definitions, as recommended by staff.

Chapter 5

This chapter discusses required and potential provisions of co-op agreements, including options which were identified by the Council in the previous two meetings. In addition to disclosure of catch and bycatch statistics (for which regulations are being developed separately), the Council proposed the following:

* limit co-op agreements to specific duration (1-6 years)
* prohibit linkages of membership to delivery of non-pollock species
* require contracts to be submitted by December 1

Although a brief discussion of the pros and cons of these proposals is contained in Chapter 5, they appear to primarily be policy issues for the Council, for which direction to the industry will be necessary in order for the year 2000 co-ops to be negotiated and completed this summer and fall. The Council took the following action on these issues: (1) co-op agreements may be of any duration but must be reviewed annually; (2) co-op agreements must be submitted for Council review by December 1 of the year prior to fishing; (3) prohibit co-op agreements from requiring vessels to deliver species other than BSAI pollock to their AFA processor; and (4) co-op agreements shall require the disclosure of catch and bycatch statistics.

Chapter 6

The Act specifies in section 211(b)(2) that *"beginning January 1, 1999 catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are prohibited from, in the aggregate -*

(A) exceeding the percentage of the harvest available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total harvest by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997;
(B) exceeding the percentage of the prohibited species available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total of the prohibited species harvested by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount of prohibited species available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997; and

(C) fishing for Atka mackerel in the eastern area of the Bering Sea and Aleutian Islands and from exceeding the following percentages of the directed harvest available in the Bering Sea and Aleutian Islands Atka mackerel fishery—
(i) 11.5 percent in the central area; and
(ii) 20 percent in the western area."

The Act was quite specific in how the catcher/processor sideboards were to be structured as a result of negotiations in Washington, DC. However the AFA is equally specific in stating that the Council could change the sideboard's structure to mitigate against the adverse impacts of cooperatives. Section 213(c) authorizes the Council to recommend additional conservation and management measures as necessary to mitigate adverse effects in fisheries caused by the AFA or cooperatives in the directed pollock fishery, so long as any such measures take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery. Changes were made to the "negotiated" sideboards for the 1999 fishing seasons, and further revisions are being considered as part of this amendment package.

Chapter 6 provides an analysis of the catcher/processor sideboard caps. Sideboard caps set the maximum amounts of BSAI non-pollock groundfish that the 20 AFA catcher/processors, listed by name, can harvest in future years. The caps are set as a percentage of TAC and not a set tonnage. Setting the caps as a percent of TACs allows the caps to increase or decrease relative to the available quota. The sideboard caps are harvest limits and not allocations. Only BSAI pollock was distributed as an allocation under the AFA. Once the catcher/processors reach a cap they will be required to either stop fishing all together or stop fishing in the non-pollock target fisheries, depending on how the Council structures this program.

Several options for developing sideboard caps were considered by the Council. Sideboard caps could be based on the 1995-97 catch histories of the 20 eligible catcher/processors or the 20 eligible catcher/processors plus the nine ineligible catcher/processors. After deciding which vessel's history to include, the Council then had to decide whether to base the history on either their non-pollock target fishery catch or their catch in all target fisheries. These decisions yield the numerator for calculating the percentages of future TACs. The denominator for the calculation could use either total historic catch or the TAC available these years. Table 1 provides a summary of the estimated future sideboard caps under these alternatives. Only species which are expected to have adequate cap amounts for a directed fishery are included in the table. Atka mackerel is constant as those caps are prescribed in the AFA.

Table 1: Percentage of future TAC available to 20 AFA catcher processors under various sideboard options for six possible directed fisheries. Tonnage range is derived by using the range of possible percentages multiplied by the 1999 TACs.

Fishery	(TAC or catch)	Non-Pollock Targets 20	All Targets 20	Non-Pollock Targets 29	All Targets 29
Yellowfin sole	TAC	19.7%	20.0%	23.3%	23.7%
	Catch	23.8%	24.1%	28.1%	28.6%
	Range		(36,839 - 53,482 mt)		
Pacific cod	TAC	12.8%	17.4%	26.3%	33.4%
	Catch	13.7%	18.7%	28.2%	35.9%
	Range		(5,369 - 15,069 mt)		
Atka mackerel W. AI	TAC	20.0%	20.0%	20.0%	20.0%
	Catch	20.0%	20.0%	20.0%	20.0%
	Range		(4,590 mt)		
Atka mackerel C. AI	TAC	11.5%	11.5%	11.5%	11.5%
	Catch	11.5%	11.5%	11.5%	11.5%
	Range		(2,190 mt)		
Other flatfish	TAC	11.0%	11.4%	13.1%	13.6%
	Catch	16.5%	17.0%	19.7%	20.4%
	Range		(8,362 - 15,508 mt)		
Rock sole	TAC	5.1%	6.0%	7.3%	8.9%
	Catch	6.0%	7.2%	8.7%	10.6%
	Range		(4,335 - 9,010 mt)		

Source: NMFS Blend data 1995-97

The Council also considered a sub-option that would divide the sideboard caps by the quarter of the year in which the qualifying harvest was made. This would prevent catcher/processors from dramatically altering their temporal harvest patterns, to take advantage of market conditions. For example, members of industry stated in public testimony that some flatfish species are difficult to market and their prices drop once a certain amount of product reaches the market. Quarterly apportionments were suggested as a method to limit the amount of fish the AFA catcher/processors can market early in the year.

PSC sideboard caps are also being developed. These caps are based on the amount of PSC that was harvested by AFA catcher/processors from 1995-97. Table 2 reports the estimated percentage of future trawl PSC apportionments. Note that these percentages are not broken out by PSC target fishery.

Table 2: Percent of PSC Bycatch Harvested by the AFA Catcher Processors in the BSAI from 1995-97, and Estimated Future PSC Caps Based on 1999 Apportionments

	Non-pollock Targets		Pollock Targets		All Target Fisheries	
	AFA CPs		AFA CPs		AFA CPs	
PSC Species	20 CPs	29 CPs	20 CPs	29 CPs	20 CPs	29 CPs
Percent of Future PSC Apportionments						
Halibut Mortality	5.60%	8.42%	2.22%	3.41%	7.82%	11.82%
C. *bairdi* (Zone 1)	12.68%	14.02%	1.01%	2.26%	13.68%	16.28%
C. *bairdi* (Zone 2)	4.20%	5.02%	0.12%	0.41%	4.32%	5.43%
Red King Crab (Zone 1)	0.63%	0.65%	0.70%	1.74%	1.33%	2.39%
Herring	0.57%	1.20%	19.36%	21.85%	19.94%	23.05%
C. *opilio*	11.40%	13.56%	0.98%	2.13%	12.38%	15.69%
Chinook Salmon	1.39%	2.84%	17.10%	21.24%	18.48%	24.09%
Estimates of Future Caps Based on 1999 Trawl PSC Apportionments						
Halibut Mortality (mt)	206	309	82	125	288	434
C. *bairdi* (Zone 1)	93,000	102,000	7,000	16,000	100,000	118,000
C. *bairdi* (Zone 2)	77,000	93,000	2,000	8,000	79,000	101,000
Red King Crab (Zone 1)	1,200	1,300	1,400	3,400	2,600	4,700
Herring (mt)	10	20	326	368	336	388
C. *opilio*	496,000	590,000	43,000	93,000	539,000	683,000
Chinook Salmon	n/a	n/a	11,800	13,800	11,800	13,800

Source: National Marine Fisheries Service AKR PSC Bycatch Data (File Names BS95HALX, BS96HALX, and BS97HALX)

Estimates of historical bycatch in the pollock fishery were included in Table 2, because the Council requested an estimate of how much bycatch would be needed if the pollock fishery was conducted in a pelagic mode. The requested estimates indicate that halibut mortality could be reduced by 22 mt to as much as 74 mt, compared to the numbers in the second section of Table 2, depending on the method used to calculate the reduction. Reductions in the numbers of crab required were even more dramatic, with the largest reductions being calculated based on a pelagic definition of harvesting less than 20 crabs per tow as opposed to the gear based definition. It is unlikely that the estimates of PSC reductions are appropriate for an orderly prosecution of the pollock fishery in a pelagic mode, especially given the structural changes in the fishery brought on by steller sea lion concerns. However, some reductions may be possible given historic PSC bycatch levels in the pollock fishery when non-pelagic trawl gear was allowed.

The Council also reviewed information in the analysis which evaluated the historical levels of retained vs discarded groundfish catch. The Council's Preferred Alternatives for catcher/processor sideboards, as approved in June 1999, are detailed in Chapter 11 and in a later section of this Executive Summary.

Chapter 7

To mitigate the impact of AFA on the non-pollock fisheries, section 211(c) mandates that *"by not later than July 1, 1999 the North Pacific Council shall recommend for approval by the Secretary conservation and*

management measures to - (A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery". This chapter describes the options selected by the Council for constructing catcher vessel sideboards.

While language in the Act refers to the aggregate traditional harvest levels of AFA catcher vessels as a basis for determining sideboard levels, there is no further specification on measures of traditional catch nor is there guidance on implementation outside of the time line for submitting the amendment package to the SOC. Since the December 1998 meeting, the Council has developed a set of alternatives and options and tasked staff with developing the analysis. The Council has treated crabs and scallops independently of the general sideboard rules being considered for non-pollock groundfish in the BSAI and GOA, and this chapter is organized accordingly.

Crab

Five of the options for protecting non-AFA members of the BSAI crab fleet are aimed at reducing or altogether eliminating participation by AFA qualified vessels in one or more BSAI crab fisheries. A sixth option would limit AFA vessels to their traditional harvests. A number of exemptions are presented as sub-options, as are variations on the duration of the restrictions. These limitations have been drafted to apply equally to all catcher vessel sectors as defined under section 208.

The first option would prevent AFA catcher vessels from participating in any BSAI crab fishery. A total of 102 species/area endorsements affiliated with 43 vessels would consequently be eliminated if the Council selected this alternative, and adopted measures to prevent their transfer to owners of non-AFA vessels. The bulk of these endorsements are for the BSAI Tanner and Bristol Bay red king crab fisheries. Option 2 would prohibit AFA catcher vessels from fishing *C. bairdi* or *C. opilio*, resulting in the vessels forfeiting the rights to use 42 BSAI Tanner endorsements. A sub-option allowing vessels which made landings in 1995, 1996, and 1997 to continue their participation in the crab fisheries would exempt 10 vessels from options 1 and 2, and reduce the number of forfeited endorsements by 23 and 10, respectively. A third option would allow AFA crossovers to fish *C. opilio* only if the vessel fished *C. opilio* in 1996 or 1997. Of the 42 vessels with LLP endorsements for BSAI Tanner crab, only 7 have the requisite participation to qualify under this option. Option 4 would disallow crossovers at the endorsement level, allowing the Council the flexibility to replicate the restrictions of any of the other options as well as variations thereof. A fifth option would prohibit fishing in any crab fishery except for Bristol Bay red king crab, reducing the number of eligible crab endorsements by 61.

As an alternative or adjunct to the above restrictions, a sixth option would limit the crab harvest of AFA catcher vessels to their aggregate traditional harvest based on their percentage of the total catch in 1995, 1996, and 1997. By itself, this option would allow AFA vessels to fish any of their crab LLP endorsements, subject to a cap based on historical averages. Traditional levels of harvest would allow AFA catcher vessels to take up to 10 percent of the Bristol Bay red king crab fishery, 2 percent of the *C. opilio* fishery, 1 percent of the Pribilof fishery, and 0.5 percent of the St. Matthew fishery. A sub-option to this alternative would apply caps to individual vessels instead of at the cooperative or sectoral levels, presenting potential disclosure problems for analysis and enforcement should the sub-option be adopted.

Each of the options described above can be applied either to AFA catcher vessels that have entered into a cooperative agreement, or to all AFA qualified catcher vessels regardless of their cooperative membership status. Among industry concerns with the latter are worries that individuals with less historic catch in pollock

have a reduced incentive to join a cooperative. However, they will still be bound by sideboard caps while in the open access fishery. Competition for crab with vessels which have substantial pollock catch histories may cause these individuals to reluctantly join cooperatives if they perceive enough bargaining power to improve their share of the non-groundfish caps. Similarly, decisions on whether or not to join cooperatives will be affected by the chosen duration of the sideboard caps relative to the effective duration of cooperatives.

Scallops

Sideboards for scallops are to be based on an AFA catcher vessel's traditional catch. Two options were considered as qualifying time periods. The first is the years 1996 and 1997, the second option is for 1997 alone. Sideboards will be apportioned according to the percentage of statewide catch, or alternatively as a percentage of the PSC cap to limit scallop harvests according to crab bycatch.

Only one AFA catcher vessel, the Forum Star, has a recent scallop history, and its harvests in this fishery are limited to 1997. Based on the owner's estimated landings and statewide catch as the denominator, the Forum Star caught 3.95 percent of the 1996 and 1997 harvests and 7.63 percent of the 1997 catch. Based on projected annual statewide scallop harvests of 860,000 pounds, the Forum Star's catch could be limited to either 34,000 pounds or 65,600 pounds, for each of the two options, respectively.

Apportioning sideboards as a percentage of PSC caps is not as straightforward since the GHL and some crab bycatch limits are set separately according to species and area, making it difficult to predict when and for what reasons a fishery will close. Additionally, bycatch information is not reported at the vessel level. Adoption of this sub-option could have highly variable results depending on the locations of the Forum Star's fishing activity and the spatial concentration of its bycatch.

BSAI Groundfish

Groundfish sideboards for the various species are to be set as a percentage of future TACs according to the traditional catch of AFA catcher vessels, aggregated by either the individual cooperative or sector level. While the Act designates three sectors in section 208, the eligibility requirements of two sectors overlap so that some vessels are eligible for both the catcher vessel inshore as well as the catcher vessel to mothership sectors. For purposes of analysis, these vessels were grouped into a fourth sector since it is unknown how qualifying individuals will choose to operate. Of the 120 catcher vessels eligible under the Act, 92 meet the criteria for delivering to the inshore sector, 7 are qualified for delivering to motherships, 14 can deliver to both the inshore and mothership sectors, and 7 can deliver to catcher/processors.

Various options revolve around the determination of traditional catch for both the numerator and the denominator of the percentage calculation. There are two base periods considered, one for the years 1992 through 1997, and a more recent option spanning only 1995 through 1997. Problems associated with either time period include changes in the TAC groups over time, which affect how some species have been accounted for in making those calculations. Naturally, these inconsistencies are much more pervasive throughout the longer time period, where some of the TAC groups of the earlier years bear little resemblance to the species compositions of the present TAC groups on which future caps will be based. Distributional differences between both time periods seem to favor the 1995 through 1997 period for the AFA catcher fleet as a whole, perhaps because the contingent of AFA qualified vessels made up a lesser portion of the total pool of harvesters in the earlier years than it has in more recent times. Changes in pollock season length over time and related bycatch rates are also likely variables that may have had a role in the different outcomes.

In addition to both time periods, the Council requested that traditional catch be presented in terms of all catch of a particular species, including amounts accrued as bycatch in the pollock fisheries, or solely those amounts caught when pollock was not targeted. Similarly, there is an option to determine the above catch amounts as percentages of the total catch for each species or as percentages of each species' TAC. Generally, the combination that yields the highest sideboard caps results from using the groundfish catch in all fisheries as a percentage of catch for the years 1995 through 1997. As with catcher processor sideboards, the Council also reviewed information on historical levels of retained and discarded catch.

Table 3 provides estimates of the future Pacific cod sideboard caps under each of the three alternatives using 1995-97 data. The difference between the smallest and largest cap is over 5,700 mt, based on current TACs.

Table 3: Estimates of future BSAI catcher vessel Pacific cod caps under the various scenarios, based on the years 1995-97

Species by TAC Grouping	CV Inshore 92 Vessels	CV to IN/MS 14 Vessels	CV to MS 7 Vessels	CV to CP 7 Vessels	All AFA CVs 120 Vessels
All targets / Total catch					
Percent of TAC	73.58%	7.80%	2.46%	9.15%	92.99%
Estimates of available cap (mt)	30,606	3,244	1,023	3,806	38,679
Non-pollock targets / Total catch					
Percent of TAC	66.26%	6.20%	2.03%	7.88%	82.37%
Estimates of available cap (mt)	25,281	2,400	815	2,937	31,433
Non-pollock targets / TAC					
Percent of TAC	63.65%	5.96%	1.95%	7.57%	79.13%
Estimates of available cap (mt)	26,475	2,479	811	3,149	32,914

Note: The percentages refer to the portion of the overall trawl CV allocation.

As in the crab sideboard section, there is a sub-option to apply the groundfish sideboards to all AFA qualified vessels versus just those vessels which have joined a cooperative. As written, catcher vessel eligibility under AFA does not depend on a specific listing of the vessel under section 208 as much as it does on meeting the qualifying criteria, so that applying the sideboards to all eligible vessels has a far reaching effect that may not have been anticipated by individuals who purposely chose to be removed from section 208 when the bill was drafted. At this point it is difficult to fully distinguish between the effects of these alternatives since there is no reliable way to anticipate who will join a cooperative, especially given the range of options currently under consideration. Nonetheless, some likely impacts could be anticipated. If the sideboard caps were assigned to vessels eligible to join cooperatives, catcher vessel operators with small pollock histories who would have otherwise foregone membership in a cooperative might instead join if they perceive a more secure share of the groundfish catch by doing so. On the other hand, if the caps apply only to cooperative members, catcher vessels could compete in the open access fishery for pollock without being constrained by the sideboard caps imposed on cooperatives. Some vessel owners will likely decide that the sideboard caps are too onerous, when compared to the benefits derived from cooperative membership.

Another sub-option applies the above sideboard limits separately to three classes of AFA catcher vessels depending on their pollock catch averaged over 1995 through 1997 (vessels that caught less than 5,000 mt, 3,000 mt, or 1,000 mt, respectively). Assuming that vessels with lesser pollock catches and proportionately higher catches of other species would be a disadvantaged minority in any cooperative where the main bargaining chip is total pollock catch, this sub-option could level the playing field. Operating under a separate

cap could allow these vessels to retain a more representative share of their traditional groundfish catch. The resulting estimates show that for the inshore sector, 16 vessels with less than 1,000 mt of annual pollock catch would be allowed to harvest about 7.5 percent of the Pacific cod cap, 40 vessels with less than 3,000 mt of pollock catch 27.5 percent, and 57 inshore vessels with < 5,000 mt of pollock history 54 percent. It is unknown if the vessels in these categories would be better off under the sub-caps.

There are six alternatives that could govern the temporal assignment of groundfish sideboards, and a number of these are also subject to sub-options which identify particular sectors. The first is to simply apply the sideboards throughout the entire year. Under this scenario, AFA catcher vessels would have no opportunity to harvest at levels above their traditional catch histories. Alternatively, a second option stipulates that the caps be apportioned quarterly or semi-annually according to the times of year they were earned. Quarterly divisions of catch history may be important for flatfish species if prices are strongly influenced by the quantity of product reaching the market.

A third option would subdivide the Pacific cod cap among vessels that had, on average, fished a majority of pollock during the "A" seasons of 1995 through 1997, and vessels which traditionally targeted other groundfish. The Pacific cod cap would be split according to each group's collective share and applied only prior to March 1 of each year, thus reapportioning some of this species to vessels which traditionally targeted groundfish other than pollock. Sub-dividing the Pacific cod cap in this way would likely benefit the nine catcher vessels that harvested a greater proportion of catch in the non-pollock fisheries prior to March 1. They would have access to 4 - 5 times as much Pacific cod as the other 111 vessels during the early part of the year.

A fourth option would make groundfish sideboards effective only during "normal" pollock seasons, defined either by 1998 open access dates or 1999 season dates modified by Stellar sea lion concerns, which are still being developed. Proponents of this option claim that there would be no more impacts from cooperatives warranting special protection during the off seasons for pollock than there were historically. The sideboard caps would be based on amounts harvested when the pollock season was open. This option may allow the AFA catcher vessels to harvest amounts of groundfish in excess of their traditional catch.

The fifth option, which exempts catcher vessels that deliver to motherships from the sideboards prior to February 1, would allow this sector to take advantage of the time between the January 20th trawl gear opening in the BSAI and the February 1 start of their pollock "A" season. While the opportunity for these vessels to exceed their traditional catch in other groundfish likely exists during this time window, there is insufficient data on which to base reliably estimated catch rates.

The sixth option would exempt each catcher vessel sector from sideboard caps for the number of days in excess of five that a particular sector's pollock season is closed during the month of February. Should the closure length between the Stellar sea lion modified pollock season's increase beyond five days in February, this option would allow the AFA pollock fleet to compete with the non-AFA fleet for non-pollock species. Again, the potential would arise for the AFA fleet to exceed its traditional catch of sideboard species.

The Council also considered, and finally adopted, an option which exempts certain vessels from groundfish sideboards in both the GOA and BSAI. These exemptions are based on a combination of BSAI pollock thresholds and participation thresholds in those other fisheries . These are detailed in Chapter 11.

Proposed alternatives for the enforcement and monitoring of sideboards include options to do so by vessel class and sector or by individual cooperative. While logistical considerations dictate a preference for the former, applying caps on an almost fleet-wide basis may frustrate the efforts of cooperatives to fish rationally since

they would have to compete against each other for an overall cap. On the other hand, there are confidentiality issues that would have to be addressed if the sideboards were applied at the cooperative level. Once the sideboards are reached for a particular species, determining which fisheries close as a result will likely depend on the method employed for determining the caps. For example, if the sideboards are based only on AFA catcher vessel's non-pollock catch, then groundfish closures subsequent to attainment of the caps will likely prevent AFA vessels from harvesting their pollock allocation.

PSC for the BSAI fisheries will be allocated based on historic groundfish catch ratios. Groundfish catch ratios were suggested as the preferred method of allocating PSC caps because the Council was attempting to develop a system that would not reward vessels if they had high bycatch levels in past years.

The historic groundfish catch ratios will be applied to all PSC species, so AFA catcher vessels would be capped at 49 percent of halibut and crab species allocated to the Pacific cod target fishery. Estimated percentages for each PSC target fishery grouping and an estimate of the future halibut allocations are provided in Table 4 below.

Table 4: Percent of future BSAI PSC caps based on catch history ratios of AFA catcher vessels to all vessels, for the years 1995-97, by PSC target fishery definition

PSC Target Categories	AFA Catcher Vessels - All Target Fisheries				
	CV Inshore 92 Vessels	CV to IN/MS 14 Vessels	CV to MS 7 Vessels	CV to CP 7 Vessels	All AFA CVs 120 Vessels
Percent of Future Year's PSC Allocation					
Atka mackerel/Pollock/Other Groundfish[2]	32%	7%	2%	3%	44%
Yellowfin Sole	10%	1%	0%	1%	12%
Pacific Cod[1]	38%	4%	1%	5%	49%
Rock sole/Other flatfish	13%	2%	1%	1%	17%
Future Year's Halibut Allocation (mt) based on 1999 PSCs and the Percentages Above					
Atka mackerel/Pollock/Other Groundfish[2]	80.0	17.5	5.0	7.5	110.0
Yellowfin Sole	100.5	10.5	0.0	10.5	121.5
Pacific Cod[1]	589.0	62.0	15.5	77.5	744.0
Rock sole/Other flatfish	103.5	16.0	8.0	8.0	135.5

Source: NMFS Blend data for the years 1995-97 for denominator, and Fishtickets and NORPAC Observer data 1995-97 for the numerator.

Notes:

1) Only 1997 data were used for the Pacific cod fishery.

2) Estimates for the Atka mackerel/Pollock/Other Groundfish category do not reflect the changes that have occurred in the pollock fishery for 1999.

GOA Groundfish

Groundfish sideboards for GOA flatfish fisheries were developed separately. Those will be based on halibut PSC caps and/or historical flatfish harvests. For species other than flatfish, caps will be set according to AFA catcher vessel's traditional catch of each species. Traditional catch has been specified by the Council as the percentage of total catch from 1995 through 1997, and as in the BSAI sideboards, these values may be apportioned quarterly relative to when they were caught. For Pacific cod, the AFA catcher vessels would be capped at approximately 20 percent of the Central and Western GOA TACs. Pollock caps would be about 50 percent in all areas except the Shumagin District, where they would be close to 75 percent. Typically all other species caps would remain at less than 15 percent. The Council also exempted certain vessels from GOA sideboards, based on a combination of BSAI pollock landing thresholds and GOA catch history thresholds.

PSC in the Gulf of Alaska would be allocated as sideboard caps only for flatfish, based on the alternatives in this analysis. The deep and shallow water flatfish complexes in the GOA have historically been limited by halibut bycatch. Therefore, limiting the amount of halibut that AFA catcher vessels can use in these fisheries should effectively limit their catch of the target species. Limiting only the halibut PSC for these fisheries, and not the target catch, will allow the AFA catcher vessels to harvest more flatfish than their historical average if they are able to use the entire PSC cap and reduce their ratio of halibut to target catch. This was not considered to be a problem by some members of industry, because traditionally a portion of the flatfish TACs in the Gulf goes unharvested. However, the Council also considered limiting GOA flatfish based on the historical harvests of these species.

Initial estimates indicate that the catcher vessel sideboard caps would equal about 10 percent of the halibut allocated to the deep water complex, and about 20 percent of the shallow water complex allocation. These rates equate to about 92 and 212 mt of halibut in those fisheries, respectively. Releasing the halibut cap by quarter, in proportion to the AFA vessel's historic catch, would result in about 11 percent of the deep water complex halibut allocation being released in the first quarter, 67 percent in the second quarter, 18 percent in the third quarter, and four percent in the final quarter. Distribution of the shallow water complex halibut cap would be approximately equal across all four quarters of the year.

The Council's Preferred Alternatives for catcher vessel sideboards, as approved in June 1999, are detailed in Chapter 11 and in a later section of this Executive Summary.

Chapter 8

Chapter 8 examines the impacts of imposing limits on processing of groundfish in the GOA, crab in the BSAI, and non-pollock groundfish in the BSAI. The limits would affect processors eligible to participate in pollock cooperatives authorized by the American Fisheries Act (AFA). The analysis presented in Chapter 8 examines the language in the AFA, analyzes the current structure of the industry, and develops 10 specific options for implementing processing limits. The analysis then calculates estimates of the limits based on the structure of the industry and the different options as specified. The analysis ends by drawing conclusions regarding the effectiveness of the options in fulfilling the mandates of the AFA.

The AFA stipulates that the Council shall submit measures by July of 1999 to "protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery." The AFA provides specific guidelines for crab processing limits and provides the basis of the 10% Ownership Rule (below) which defines AFA entities.

> If a company has a 10 percent or more ownership stake in an AFA-eligible processing facility, then all other processing facilities in which that company has 10 percent ownership will also be considered part of the AFA entity. For purposes of the analysis, the lease of a facility will be considered ownership of that facility.

The analysis of ownership develops organization charts for the 15 entities that were found to encompass all of the processing facilities that, according the to AFA, will be eligible to process pollock in directed fisheries. The analysis used a literal interpretation of the 10% Ownership Rule to develop the entities. Organization charts for several entities that are not associated with AFA facilities are also provided, including charts for four of the six CDQ organizations. Currently, two of the CDQ organizations, Bristol Bay Economic Development Corporation and Norton Sound Economic Development Corporation, have ownership interests in AFA facilities and are included in the 15 AFA entities. The table below summarizes the findings of the organizational analysis of AFA facilities, companies, and entities.

Summary of Eligible Facilities, Companies, and Entities under the AFA

	Entities	Companies	Inshore Facilities	Catcher Processors	Motherships	Total Facilities
AFA Facilities	15	18	9	21	3	**33**
Facilities in AFA Companies	15	20	20	32	10	**62**
Facilities in AFA Entities	15	35	29	44	10	**83**

Notes:
1/ The row labeled AFA Facilities includes all of the processing facilities are eligible under the AFA to process BSAI pollock from directed fisheries.
2/ The row labeled "Facilities in AFA Companies" includes all facilities owned by companies that own at least one AFA facility.
3/ The row labeled "Facilities in AFA Entities" includes all facilities associated with entities that own at least one AFA-eligible facility. The row includes several facilities that may be, or may not be, included within AFA entities, depending on the implementation of the 10% Ownership Rule.
4/ The table does not include the nine catcher processors from §209 of the AFA.
5/ The table includes the entity that comprises the only catcher processor eligible from §208(e)(21) of the AFA and the only shore plant eligible from §208(f)(1)(B) of the AFA.

Processing limits could be applied in a number of different ways. The analysis identifies three levels at which processing limits could be applied:

1. A single overall limit for each species

2. Sector level limits for each species

3. Individual limits for each species

Within each of these three levels there are at least three layers of the AFA eligibility:

1. Plants and vessels that are AFA-eligible

2. Companies that own AFA-eligible plants and vessels

3. Entities that combine AFA companies under the 10% Ownership Rule

The analysis specifically examines processing limits in terms of each of the three layers of AFA eligibility for each of the three levels at which processing limits and an additional option for individual company limits apply only to AFA-eligible facilities. The 10 options analyzed in Chapter 8 are specified below.

Option 1: Overall Processing Limits Applied to All AFA Facilities

Option 2: Overall Processing Limits Applied to All Facilities in AFA Companies

Option 3: Overall Processing Limits Applied to All Facilities in AFA Entities

Option 4: Sector-Level Processing Limits Applied to All AFA Facilities

Option 5: Sector-Level Processing Limits Applied to All Facilities in AFA Companies

Option 6: Sector-Level Processing Limits Applied to All Facilities in AFA Entities

Option 7: Individual Processing Limits Applied to Each AFA Facility

Option 8: Individual Processing Limits Applied to All AFA Companies

Option 9: Individual Processing Limits Applied to the AFA Facilities within Each AFA Company

Option 10: Individual Processing Limits Applied to All AFA Entities

The table below shows the TAC percentages that would be allowed under the processing limit options. The table is based on processing histories from 1995 through 1997.

Summary of Processing Limit Options Based on Processing Histories from 1995 through 1997

	Percent of Total Processing					
Bering Sea and Aleutian Islands Groundfish						
	Atka Mackerel	**Flatfish**	**Other Species**	**Pacific Cod**	**Rockfish**	
Limits on AFA Facilities only	13.04	33.73	23.48	38.75	18.74	
Limits on AFA Companies	13.93	36.82	26.09	42.19	25.99	
Limits on AFA Entities	15.01	54.26	39.07	51.09	43.53	
Gulf of Alaska Groundfish						
	Atka Mackerel	**Flatfish**	**Other Species**	**Pacific Cod**	**Pollock**	**Rockfish**
Limits on AFA Facilities only	9.94	6.66	4.55	35.55	46.73	8.11
Limits on AFA Companies	16.86	21.87	8.48	44.31	58.27	25.03
Limits on AFA Entities	19.48	32.37	20.93	51.27	67.10	37.20
Bering Sea and Aleutian Islands Crab						
	Bairdi	**Blue King**	**Brown King**	**Opilio**	**Red King**	
Limits on AFA Facilities only	61.09	16.61	55.08	19.7	57.43	
Limits on AFA Companies	65.15	74.05	59.93	61.67	69.37	
Limits on AFA Entities	66.90	74.56	59.93	63.31	70.20	

Notes:

1. Total processing limits for each species do not change regardless of whether limits are applied as overall limits, sector-level limits, or individual limits. If the number of affected facilities is expanded to include all processing within AFA companies, or to include all processing within AFA entities, then the limits increase accordingly.
2. All limits include the processing history of the nine catcher processors listed in §209 of the AFA.
3. Entities limits include all documented linkages as well as facilities that would possibly be linked to AFA entities, depending on the application of the 10 percent rule and further investigation.
4. The limits shown in the table do not include the entity that comprises the only catcher processor eligible from §208(e)(21) of the AFA and the only shore plant eligible from §208(f)(1)(B) of the AFA.

Comparison of Overall Limits, Sector Limits and Individual Limits

As indicated above, the total amount of processing included under the limits does not change if they are applied as overall limits, sector-level limits or as individual limits. Therefore from the perspective of non-AFA processors, there does not appear to be significant differences if the processing limits are implemented as overall limits, sector limits, or individual limits.

If overall or sector-level limits are imposed, AFA processors are likely to experience an intensified race for crab and groundfish other than BSAI pollock. The intensified race for fish can be avoided if processing limits are imposed at the individual level. Although individual limits will not constitute an allocation and individual AFA processors will face continued competition from non-AFA processors, AFA processors will not need to compete with other AFA processors. Individual limits will also allow AFA processors more flexibility (than with overall or sector-level limits) to allocate their processing capacities and other resources, and allow them to realize more of the potential benefits of the AFA.

With overall or sector level processing limits, it is likely that NMFS will have to devise means to close "directed processing" while allowing AFA processors to continue to process bycatch amounts of limited species. If processing limits are imposed on individual processors, NMFS may be able to shift some of the monitoring burden onto the processors themselves and make enforcement a post-season process involving fines and sanctions for those processors that exceed their limits.

Comparison of Limits Applied to AFA Facilities, AFA Companies, and AFA Entities

Processing limits applied to AFA facilities will be restrictive, but not as restrictive as limits applied to companies or entities. If limits are applied only to AFA facilities owners would not be constrained from using AFA profits to increase their non-pollock processing shares at other facilities in which they may have an interest.

Processing limits applied to AFA companies rather than to AFA facilities will be more effective in limiting the ability of owners of AFA facilities to increase their shares of non-pollock processing. The effectiveness of processing limits on AFA companies depends largely on the ability to define AFA companies. Processing limits applied to AFA entities, as defined by the 10% Ownership Rule, would appear to be more effective than limits imposed on AFA companies. Under the 10% Ownership Rule, AFA owners that wish to make new capital investments in non-pollock processing would be limited to investments in salmon and herring fisheries, or to investments that lead to an ownership interest of less than 10 percent of the processors in which they are investing. In addition, because of the limits AFA processors would bring, existing owners may not welcome new investment associated with AFA profits.

Imposing processing limits on AFA entities will have some unintended and negative consequences. Processing limits imposed on AFA entities will create significantly more paperwork for NMFS and the processing industry than the other options. This additional burden will be time-consuming and expensive, and may be viewed by many as a significant intrusion of government into private affairs of industry. Imposing processing limits on entities will also create other unintended consequences by limiting the activities of processors that may not be able to experience any of the benefits of the AFA. These consequences are perhaps most easily understood from the perspective of non-pollock processing companies that have become equity partners with CDQ organizations that, in perhaps unrelated actions, have also invested in AFA facilities.

Conclusion

In conclusion, it appears that processing limits imposed on individuals offer as much protection to non-AFA processors as overall limits or sector-level limits, may not be any more costly to implement or enforce, and would allow AFA processors to realize more of the benefits of the AFA. Crab processing sideboards will be implemented for year 2000 as prescribed by the AFA (and as recommended by the Council in October 1999, with minor variations). The Council did not take action on groundfish processing sideboards in 1999, given the possibility of ambiguous results if processing limits are applied to AFA entities. To fulfill its mandate to protect non-AFA processors, the Council is continuing to study processor sideboards along with excessive share caps for BSAI pollock processing, and is scheduled to take action on these issues in April 2000. Future actions on groundfish processing sideboards (or crab) would be implemented by follow up regulatory amendment.

Chapter 9

This chapter discusses several implementation issues which will likely be critical to the Council's decisions on overall co-op structure and sideboard monitoring. While many of these issues are not yet fully resolved, some major points of consideration include:

* Implementation of catcher vessel cooperatives will be significantly more complex than the single offshore co-op in 1999, for pollock allocations and particularly for sideboard limits.

* Monitoring pollock catch based on directed fishing allocations will require a different management approach - essentially, for catcher vessel inshore deliveries, that means any catch occurring during the open season will be considered as directed harvest.

* Allocation of pollock to specific co-ops based on catch history of participating vessels will require development of an official catch record and an opportunity for appeal. Such a program likely cannot be in place in time for year 2000 allocations, and appeals and corrections to the official catch record may have to wait until 2001.

* Catch data on groundfish (species composition), discard, and PSC species is insufficient to determine quota allocations (or catch limits) to specific vessels in a complete and reliable manner. Catch history information for groundfish may be sufficient, particularly if groundfish sideboards are managed in aggregate across co-ops. Discards likely cannot be included. PSC limits should be based proportional to groundfish catch.

*Although efforts are ongoing to address confidentiality concerns, individual catch histories from State fish tickets cannot be released to vessel owners in time for their use in year 2000 co-op negotiations.

* Regarding sideboard limitations for groundfish, crab, and PSC, it will be extremely difficult for NMFS to manage at the co-op level through traditional in-season management techniques. Responsibility for in-season management and closure will likely be borne by the co-ops themselves. Additionally, sideboard management at the co-op level, particularly for PSC species, will require the same type of monitoring and observer coverage levels that are associated with the multi-species CDQ program.

This chapter also addressed the following issues:

AFA Catcher Vessel Lists

Chapter 9 includes lists of the catcher vessels that are expected to be eligible under the AFA. The vessels are sub-divided into four classes depending where they are qualified to make deliveries.

Compensation for Inshore Catcher Vessels

A number of catcher vessels qualified under AFA to deliver to the inshore sector have accrued significant amounts of their historical pollock catch from deliveries to offshore sectors. Since AFA does not preclude inshore sector catcher vessels from entering into the mothership sector, vessels meeting the eligibility criteria can make use of their offshore pollock histories to the extent that these were delivered to motherships. However, there is no mechanism that allows these same vessels to likewise bring their pollock history delivered to catcher/processors into the cooperative pool, despite language in the Act calling for "fair and equitable" consideration of such landings. Industry has presented a change to Section 210(b)(1)(B) that would allow each inshore cooperative's pollock pool to increase by the amount of pollock history that member catcher vessels had delivered to catcher/processors. Increasing the aggregate pool of pollock effectively compensates members with a substantial share of their harvest to catcher/processors by taxing the rest of the cooperative. However, depending on the catch histories of member catcher vessels, the burden of the compensation scheme may be disproportionately distributed among the different cooperatives.

A total of 66,764 mt of pollock were delivered to catcher/processors by 42 inshore sector catcher vessels. Applying the compensation formula fleet-wide across all inshore catcher vessels would yield an adjustment of 5.6 percent of each vessels catch history. There is also a sub-option that would require minimal landings to catcher processors for each of the 42 vessels before they would be eligible for compensation.

An option that would exclude a vessel from being compensated for deliveries to catcher/processors, based on their inshore catch history, was also included in this chapter. If the option that only compensated catcher vessels with less than 2,000 mt of inshore catch was selected, only 12 vessels would be included and the total adjustment would be just over 2 percent.

Using Best 2 of 3 Years to Determine Pollock Catch History

A brief discussion of allowing catcher vessels to use their best 2 of 3 qualifying years to determine their pollock catch history has been included. Using the best 2 of 3 years will increase the amount of pollock a vessel can take into a cooperative if they had inconsistent catches during the qualifying years, and reduce the amount of pollock to catcher vessels that had consistent catches during the qualifying period.

AFA Loan Repayment

The AFA requires that members of the inshore sector begin repaying the Federal loan in the year 2000, independent of whether the inshore sector is fishing under cooperatives. The payments are based on the pounds of pollock harvested. A payment rate of 0.6 cents per pound was established under the AFA.

Chapter 10

This chapter contains additional information regarding monitoring of mothership and catcher processor allocations and sideboards, including scale and observer requirements and associated costs.

Chapter 11

The Council's preferred alternative for harvesting sideboards, and several other non-sideboard issues are presented in this chapter. Action by the Council on groundfish processing sideboards was delayed April 2000 to be considered in conjunction with BSAI pollock excessive processing share caps.

Catcher/Processor Harvest Sideboards

Catcher/processors will be limited to the percentage of BSAI catch that was landed, relative to the TAC, by the 29 vessels listed in sections 208(e) lines 1-20 and section 209 of the AFA. Sideboard caps based on landed catch do not give catch history credit for discards which occurred at-sea. Atka mackerel in the central and western Aleutian Islands are the only exceptions to this rule. Their sideboard percentages were explicitly defined in the AFA.

Pacific cod sideboard caps were estimated to be 9,290 mt., yellowfin sole 33,610 mt., central Aleutian Islands Atka mackerel 1,191 mt., western Aleutian Islands Atka mackerel 2,497 mt., other flatfish 4,593 mt., rock sole 3,188 mt., and flat head sole 1,438 mt., based on 1999 TACs. These estimates, particularly for flatfish species, are reduced over those in place for 1999. Therefore, it is possible that using landed catch may reduce the caps on some species to a level that will not allow for a directed fishery in 2000, even though directed fisheries were allowed under the 1999 sideboard caps.

PSC caps for the AFA catcher/processor fleet will be calculated the same way in 2000 as they were for 1999. The caps were calculated to be 8.4 percent of the halibut apportionment for trawl vessels, 0.7 percent of the red king crab, 15.3 percent of the *C. opilio*, 14.0 percent of the *C. bairdi* in zone 1, and 5.0 percent of the *C. bairdi* in zone 1.

Catcher Vessel Sideboards

Catcher vessel sideboard caps were developed for the BSAI non-pollock groundfish species, GOA groundfish species, BSAI crab species, scallops, and PSC species covered under the Council's FMPs. Two exemptions were defined by the Council. Both exemptions apply to vessels that landed less than 1,700 mt. of pollock annually in the BSAI. These vessels were exempted from the sideboard caps in the BSAI Pacific cod fishery. They were also exempted from GOA sideboard caps for Pacific cod, pollock, and other groundfish fisheries. For purposes of this section of the analysis, the exempt vessels' catch history was not included in the calculation of the sideboards for those species.

Crab sideboards were developed at the species/area level, and different qualification criteria were defined for each fishery. The AFA vessels were also prohibited from selling, leasing, transferring, or stacking crab LLP licenses. A summary of the crab sideboard restrictions are provided in the table below. These restrictions will apply to all catcher vessels eligible to join cooperatives.

Fishery	Qualification Criteria	# of Qualified Vessels	% of GHL
Bristol Bay red king crab	Capped at their weighted average catch from years 91, 92, 93, 96, and 97	41	12.8 %
C. opilio	Must have fished *C. opilio* in at least four years from 1988-97.	5	n/a
*C. bairdi**	Must have fished *C. bairdi* in 1995 or 96	21	6.5 %
St. Matthew blue king crab	Made landing in this fishery in 95, 96,or 97	1	Conf.
Prib. red & blue king crab	Made landing in this fishery in 95, 96,or 97	4	1.2 %
AI red & brown king crab	Made landing in at least one of the last two years the fishery was open	0	n/a

* No directed fishing will be allowed until the stock is rebuilt.
Note: All restrictions apply to AFA vessels that are also LLP qualified for that species/area endorsement.

Scallop sideboards only apply to one vessel if it opts to join a pollock cooperative. That vessels will be capped at its percentage of the overall scallop harvest in 1997. That percentage (estimated to be 3.33 percent) will be applied to the upper end of the state-wide GHL. At a projected GHL of 860,000 pounds, the cap would be 41,292 pounds.

BSAI groundfish catcher vessel sideboards will be based on the landed catch of AFA qualified catcher vessels, and be expressed as a percentage of TAC available in those years (1995-97). The caps will apply to all catcher vessels eligible to join a cooperative. Only the AFA catcher vessels that qualify for the exemption discussed earlier will be allowed to harvest Pacific cod outside of the cap.

Estimates of BSAI groundfish caps are presented in Table 11.5. That table shows that Pacific cod is projected to be capped at 28,052 mt., yellowfin sole 12,587 mt., other flatfish 7,304 mt., flathead sole 3,220 mt., rock sole 2,601 mt., and arrowtooth flounder 6,658 mt., based on 1999 TACs. NMFS will need to determine prior to the start of the 2000 fishery, which of these species can support directed fisheries.

PSC caps will be based on the ratio of landed catch in each non-pollock target fishery to the TAC, and will be applied only to halibut and crab PSC species. The cap shall not be subdivided among catcher vessel sectors. Preliminary estimates indicate that the AFA catcher vessels will be allowed to harvest up to 34 percent of the halibut and crab PSC caps allotted to the Pacific cod fishery, 7 percent of the apportionment to the yellowfin sole fishery, 4 percent of the apportionment to the rock sole/other flatfish/flathead sole fishery, and 1 percent on the apportionment to the Atka mackerel/other groundfish fisheries.

GOA groundfish sideboard caps apply to all FMP species, including pollock. Like in the BSAI, the caps will be based on landed catch as a percentage of TAC for the years 1995-97. All vessels eligible to participate in a cooperative will be bound by the caps, except those specifically excluded through the 1,700 mt. landings exemption. Table 11.8 shows a complete list of the estimated caps. The largest caps are for pollock, Pacific cod, and shallow water flatfish. The only other species projected to have more than a 1,000 mt. cap, under 1999 TAC levels, are POP and arrowtooth flounder.

PSC caps in the GOA will be based on the ratio of groundfish landed to TAC in the deep and shallow-water PSC groupings. Preliminary estimates indicate that the AFA fleet would be capped at 34 percent of the halibut apportioned to the shallow-water complex and 7 percent of the deep-water complex. Given current PSC caps this equals approximately 410 mt. of halibut.

Compensation for Inshore Catcher Vessels in the BSAI Pollock Fishery

Two compensation measures were passed by the Council. The first allows catcher vessels with more than 499 mt. of pollock deliveries to catcher/processors from 1995-97 to count that catch just as if it were delivered inshore. The second allows catcher vessels to use their best 2 of 3 years catch history, after adding in compensation from deliveries to catcher/processors.

Other AFA Actions

The AFA mandated that catcher/processors carry two observers and use NMFS certified scales to weigh fish. Those requirements were included in this package. This package also includes a discussion of the items the Council will require to be contained within cooperative agreement packages submitted to the Council and NMFS each year, as well as cooperative reports from the preceding year's fishery.

Chapter 12

This chapter addresses the proposed actions' consistency with other applicable law, including E.O 12866, Regulatory Flexibility Act, Magnuson-Stevens Act, and National Standards. Because the basic intent of the proposed sideboard measures is to preserve the status quo distributions of harvest and processing across industry sectors, it does not appear that such actions would be inconsistent with any of the applicable laws. However, among the alternatives there are those that would have differential impacts relative to both the directly affected entities (AFA harvesters and processors) and indirectly affected entities (non-AFA harvesters and processors). Certain alternatives and options for sideboards would likely be considered to have significant impacts on small entities (under the Regulatory Flexibility Act) relative to other alternatives.

The Council's Preferred Alternative represents a trade-off between impacts to directly affected entities and indirectly affected entities. A conclusion of non-significance, relative to the IRFA, cannot be made based on the available information; however, the Council's actions included measures to mitigate impacts to small entities, including exemptions from the sideboard restrictions for certain catcher vessels involved.